

REMARKS

The Office Action of February 4, 1997 has been carefully considered. An interview afforded one of Applicants' attorneys on December 13, 1996 is noted with appreciation. Reconsideration of this application, as amended, is respectfully requested.

To summarize the present amendment, the title of the invention has been amended to make it consistent with a format recommended by the Guidelines of 1185 O.G. 60 and a disclaimer, indicating that the article (i.e. the computer display) is not part of the design sought to be patented, has been provided. Additionally, the description of the drawings has been amended in accordance with a format suggested by the Office Action, and the claim has been amended to conform with a style more typical of recognized design application form.

The Office Action of February 4, 1997, is arranged in 10 subsections. Those subsections of the Office Action which require addressing will be discussed below in a suitable order:

Re: Subsections 1-3 of the Office Action

Applicants concur in the assertion of the Office Action that now amended Figures 1-3 comprise a single inventive entity.

Re: Subsection 4 of the Office Action

The claim was rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for its use of the phrase "or the like". This rejection is now moot in view of the above amendment to the claim in which this phrase has been deleted.

Re: Subsections 5-7

The claim of the present application has been rejected under 35 U.S.C. § 171 as being directed toward statutory subject matter. Subsection 7, provides guidance with respect to obtaining design patent coverage for computer generated icons by reference to the following

conditions stated in USPTO Guidelines (1185 OGC 60) relating to the patentability of computer generated icons:

- 1) the computer screen, monitor, other display panel, or portion thereof is shown in broken or solid lines with the icon displayed on it, and
- 2) the claim is directed to the subject matter as embodied in an article of manufacture.

On the basis of support in the original title, specification and claim, the drawing has been amended to show the "paper tray icon" surrounded by a broken line representative of a computer display or screen. Moreover, on the basis of the original title, specification and claim, it should now be clear that the paper tray icon is embodied in the computer display, as set forth in Applicant's response filed on May 21, 1993 (paper 3) i.e. the icon is used to ornament the computer display. Hence the paper tray icon of the subject application constitutes patentable subject matter in accordance with the requirements of both 35 U.S.C. § 171 and the pertinent USPTO Guidelines.

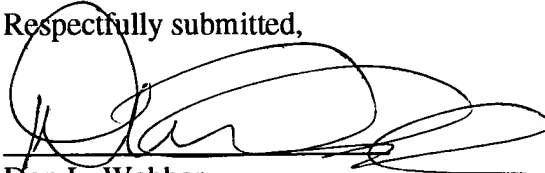
Applicants further note that the rejections under 35 U.S.C. first paragraph for new matter and 35 U.S.C. 132, 37 C.F.R. 1.118 (paper 4) have been affirmatively and/or constructively withdrawn (paper 9), and therefore do not and should not form the basis of future rejections of the present application. Additionally, the outstanding rejections are specifically designated in Paragraph 8 of the February 4, 1997 Office Action.

In view of the foregoing remarks and amendments, reconsideration of this application and allowance thereof are earnestly solicited.

Application No.: 07/715,258

In the event the Examiner considers personal contact advantageous to the disposition of this case, the Examiner is hereby authorized to call Applicants' attorney, Don L. Webber, at Telephone Number (716) 423-5560, Rochester, New York.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Don L. Webber', written over a horizontal line.

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